

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1-31 and 33-38, filed March 9<sup>th</sup>, 2009, are currently under examination.

### ***Terminal Disclaimer***

2. The terminal disclaimer (#2 of 3 which was previously disapproved) filed on April 24<sup>th</sup>, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10-540,436 has been reviewed again and is now accepted. The terminal disclaimer has been recorded.

### ***Information Disclosure Statements***

3. The information disclosure statements (IDS) submitted August 26<sup>th</sup>, 2009 and July 13<sup>th</sup>, 2009 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been considered by the examiner. Please refer to applicants' copies of the 1449 forms submitted herewith. Furthermore, the information disclosure statement filed May 9<sup>th</sup>, 2008 has been updated on page 3/3 to include the appropriate dates for the citations.

### ***Allowable Subject Matter***

4. Claims 1-27 are allowed.

### ***Examiner's Amendment***

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Norman Thot on August 19<sup>th</sup>, 2009.

*Start of Claim Amendments*

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Claims 28 – 31 and 33-38 (Cancelled)  
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*End of Claim Amendments*

***Reasons for Allowance***

**6.** The following is an examiner's statement of reasons for allowance:

The closest prior art of Formanek and Hiltunen, or any of the additional cited art of Beisswenger, Reh, or Schmidt, does not teach a method of heat treating solids containing titanium in a fluidized bed reactor where the gas velocities are adjusted such that the Particle-Froude-Numbers are in the ranges claimed in the three distinct portions of the reactor. The Examiner agrees with Applicants (p. 10, para 5 to p. 11, para 1 of the Remarks filed March 9th, 2009) that none of the cited art teaches establishing differing Froude ranges in different portions of the chamber, i.e. the gas supply line, annular fluidized bed, and mixing chamber, as recited by instant claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Shevin whose telephone number is (571) 270-3588 and fax number is (571) 270-4588. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy M. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

***/Mark L. Shevin/***

Examiner, Art Unit 1793

August 27th, 2009

10-540,376

***/George Wyszomierski/***

Primary Examiner

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